

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, DECEMBER 5, 2023

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 PM.

Present: Alderpersons Andrew Drzewiecki, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan

Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Gina Vlach, City Planner.

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the November 21, 2023 Common Council minutes

Motion by Alderperson Bailey, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke reported on the Christmas Tree Lighting event and thanked Alderperson Saryan for leading the City, the choir for attending, and the Department of Parks and Recreation. We are waiting for information from the Department of Revenue regarding the tax bills. There have been issues with the software for taxes. Leaf pick-up is almost finished, and he said to be cognizant of the winter parking and snow emergency rules. Cruisin' Santa begins next week.

Mayor Neitzke continued to agenda item F.

Mayor Neitzke stated that all residences and businesses should watch for improperly collected Milwaukee's sales tax at the beginning of the year. If a resident contacts an alderperson, it should be forwarded to the mayor with receipts, their name, phone number, and address.

There was a discussion about online ordering.

Mayor Neitzke went back to agenda item K6.

F. Aldermanic Reports

Alderperson Saryan spoke about the tree-lighting event. She thanked the sponsors, the performers, Santa, and the Parks and Recreation staff. The Winter and Spring *Recreator* is at the printer and will be mailed this month. Cruisin' Santa Claus begins December 11-14, and the Holiday Maker's Market is on December 10th. She spoke about the Greenfield School District's feedback meeting and thanked Superintendent Lisa Elliot.

Mayor Neitzke reported that Lisa Olson, the superintendent of Whitnall School District, retired recently. The cooperation has been fantastic with them and he wished her a great retirement.

G. Announcements

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)

The public hearing opened at 7:11 PM.

Gina Vlach, City Planner, presented the site information and parking.

Motion by Alderperson Kastner, seconded by Alderperson Bailey to close the public hearing at 7:11 PM.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

Motion carried unanimously.

Mayor Neitzke stated that the zoning code is being revised so that spa buildings don't have to go through a public hearing every time.

- a. Approve a Resolution for a Special Use Permit for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve agenda items I1a and I1b.

Under discussion, Mayor Neitzke and Ms. Vlach discussed the hours of operation for massage therapy businesses located within Avery and Birch.

Alderperson Kastner amended his motion to include the mayor's recommendation of changing the hours of operation to 8:00 AM through 8:00 PM, Monday through Sunday.

On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)
Approved under agenda item I1a.

2. Public Hearing on a Special Use Permit for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)

The public hearing opened at 7:14 PM.

Ms. Vlach presented the site information and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Bailey to close the public hearing at 7:14 PM.
Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)
Motion by Alderperson Drzewiecki, seconded by Alderperson Kastner to approve agenda items I2a and I2b with the hours of operation amended to 8:00 AM through 8:00 PM, Monday through Sunday. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC. (Tax Key No. 609-9994-009) (PC-10/10/23 Kastner)
Approved under agenda item I2a.

3. Public Hearing on a Special Use Permit for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001) (PC-11/14/23 Kastner)

Ms. Vlach presented the site information, the description of the business, the hours of operation,

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parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to close the public hearing at 7:17 PM. Motion carried unanimously.

Mayor Neitzke spoke about the Brew City Tattoo owner's concern with another tattoo business nearby and objected. Mayor Neitzke said it may be a lease issue.

- a. Approve a Resolution for a Special Use Permit for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001) (PC-11/14/23 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve agenda items I3a and I3b. On a roll call vote, motion carried 4-1, with Alderperson Saryan opposed. Those in favor were Alderpersons Drzewiecki, Bailey, Kastner, and Akers.

- b. Approve a Site Plan Review for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001). (PC-11/14/23 Kastner)

Approved under agenda item I3a.

4. Public Hearing on a Special Use Permit for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000) (PC-10/10/23 Kastner)

The public hearing opened at 7:18 PM.

Darcy Turner, the applicant, was present.

Ms. Vlach presented the site information, the description of the business, the hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Mayor Neitzke and Ms. Vlach discussed that the building has residential space above the commercial space, and that is where the applicant intends to occupy.

Ms. Turner presented what puppy supplies she would sell, and it wouldn't be a pet store, how she is not a puppy mill, her previous location, and the previous Greenfield tenant.

Motion by Alderperson Kastner, seconded by Alderperson Bailey to close the public hearing at 7:23 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000) (PC-10/10/23 Kastner)

There was a discussion about how the hours of operation should be changed to 9:00 AM through 8:00 PM, Monday through Sunday.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items I4a and I4b with the hours of operation amended to 9:00 AM through 8:00 PM, Monday through Sunday. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Tiny Tykes Puppies, LLC, a proposed pet store, to be located at 2833 W. Layton Ave., submitted by Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000) (PC-10/10/23 Kastner)

Approved under agenda item I4a.

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5. Public Hearing on a Special Use Permit for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008) (PC-10/10/23 Kastner)

The public hearing opened at 7:26 PM.

Ms. Vlach presented the site information, the description of the business, the hours of operation, parking, site improvements, and that the Plan Commission recommended denial. There was one letter of objection received from Geri and Karl von Brauchitsch that said, "Hello, We are opposed to the application for a Nexus Vape N Smoke permit near our home."

Mayor Neitzke introduced Brian Randall, 111 E. Kilbourn Ave., Milwaukee, who is speaking in favor of and on behalf of the applicant. Attorney Randall summarized his handout, the Plan Commission meeting, the location, other locations run by the applicant, Nexus Vape N Smoke store's cleanliness, how the applicant runs his businesses, the number of staff, that they would like to change the hours of operation to 8:00 AM to 9:00 PM, the floor plan, store improvements, staff education, the security plan, the alcohol selection, other liquor stores nearby, liquor licensing, that they meet all the ordinance standards and requirements, the landscaping concerns, signage, and complying with the Special Use conditions.

Mayor Neitzke and Attorney Randall discussed the size of the store, that they intend to occupy the next-door tenant's space when their lease is up, other vacant storefronts within the strip mall, keeping the tobacco license and adding the alcohol license, and the proliferation of tobacco and alcohol licenses.

Mayor Neitzke spoke about the example of beer being sold in gas stations and alcohol licensing.

Alderman Drzewiecki expressed his concerns about it snowballing into miniature monopolies.

Attorney Randall stated that he is comfortable if the Council were to table it while other policy decisions are being made. He asked not to deny it and to follow the Special Use Permit requirements, and spoke about Act 67, which is the legal standards of the ordinance, the application, and the conditions.

Motion by Alderman Kastner, seconded by Alderman Drzewiecki to close the public hearing at 7:50 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008) (PC-10/10/23 Kastner)

Motion by Alderman Kastner, seconded by Alderman Drzewiecki to deny.

Under discussion, Alderman Drzewiecki confirmed that it's going to the Legislative Committee to review the ordinances with regard to Special Use applications and state law changes.

There was a discussion about how to proceed with the item-whether if it should be denied, tabled, approved, or put on hold.

Motion by Alderman Kastner to retract his motion and to table the item as presented.

Mayor Neitzke recommended that it go to the Legislative Committee and that the City Attorney look at it.

Alderman Drzewiecki and Mayor Neitzke discussed what would happen if a new applicant came in before it went to the Legislative Committee or before a moratorium was in place.

Motion by Alderman Kastner to rescind all motions.

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Mayor Neitzke said that the Council is not taking any action on this item, so there is no decision.

Aldersperson Drzewiecki said that it will be introduced to the Legislative Committee either on the 12th or the 13th.

- b. Approve a Site Plan Review for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008) (PC-10/10/23 Kastner)

No action taken.

J. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One member to the Board of Review for a term to expire 5/1/2026 (formerly James Jaworowicz)
Place on next agenda.
- ii. One member to the Zoning Board of Appeals for a term to expire 5/1/26 (formerly John Rivera)
Place on next agenda.

K. New Business

1. Approve a Resolution disallowing the claim of Racquel Olmos relating to alleged motor vehicle damage. (Goergen)
Motion by Aldersperson Akers, seconded by Aldersperson Bailey to approve to disallow. On a roll call vote, motion carried unanimously.
2. Approve a Resolution allowing the claim of Sara J. Kitzrow relating to vehicle damage. (Goergen)
Motion by Aldersperson Bailey, seconded by Aldersperson Drzewiecki to approve in the amount not to exceed \$806.19. On a roll call vote, motion carried unanimously.
3. Approve applications for 2023-2024 operator licenses (Goergen)
Motion by Aldersperson Bailey, seconded by Aldersperson Akers to approve. Motion carried unanimously.
4. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Holiday Shopping Photos with Santa on December 16, 2023 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)
Motion by Aldersperson Saryan, seconded by Aldersperson Kastner to approve agenda items K4 - K5. Motion carried unanimously.
5. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Holiday Last Minute Shoppers Event on December 23, 2023 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)
Approved under agenda item K4.
6. Approve a Resolution requesting an area within the City of Greenfield receive a Greenfield postal address designation. (Mayor Neitzke)
Mayor Neitzke spoke about the title being different and that it's in the portal. He explained the

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background of the address and zip code situation and how the City of Milwaukee is going to have a sales tax and is worried about Greenfield residents being imposed, and it could be averted if the post office used the 9-digit zip code or the Census land databases. This resolution talked about the zip code problem, the tax problem, and the mailing address confusion, and be it resolved further that the City of Milwaukee-specific sales tax that is improperly collected from Greenfield residents and businesses be repaid to such residences and businesses as quickly as possible. The mayor said that it's his intention that, in the event that any of our residents have standing because they've improperly collected a sales tax from them, they can seek an injunction to stop the sales tax.

Aldersperson Kastner said that he foresees class action lawsuits.

Mayor Neitzke said to change the last paragraph that started with, "Be it further resolved..." to state that the collection of any City of Milwaukee-specific sales tax is improper and illegal and the sales tax collection should be halted until it is corrected.

Mayor Neitzke spoke about the Milwaukee Wheel Tax, insurance, and the zip code problems. The language should be, "The collection of any City of Milwaukee-specific sales tax is improper and illegal, and, should it occur, the sales tax collection must be halted. Furthermore, any burden recovering improperly and illegally collected taxes must fall on the City of Milwaukee."

There was discussion of taxation without representation.

Mayor Neitzke said that the City Attorney initially recommended that it should be repaid.

Motion by Aldersperson Drzewiecki, seconded by Aldersperson Kastner to approve as amended.

Mayor Neitzke circled back to agenda item E.

On a roll call vote, motion carried unanimously.

7. Discussion/Decision regarding approval of MOU with Greenfield School District for Temporary Emergency use of the Greenfield Community Center. (Jaquish)

Motion by Aldersperson Drzewiecki, seconded by Aldersperson Bailey to approve. On a roll call vote, motion carried unanimously.

8. Discussion and decision to transfer unused 2023 funds from the Community Development Authority account and the Plan Commission account to a project to be used in 2024. (Porter)

Same as agenda item K14.

Mayor Neitzke went to agenda item K9.

9. Approve an amendment to Resolution No. 3317, updating the Stormwater Utility Rate for 2024, with an increase of 5%. (BPW- 11/28/23, Ald. Bailey)

Motion by Aldersperson Drzewiecki, seconded by Aldersperson Bailey to approve. On a roll call vote, motion carried unanimously.

10. Approve an agreement with the Wisconsin Department of Transportation accepting a grant for energy-saving LED street lights on Edgerton Avenue and Grange Avenue. (BPW-11/28/23, Ald. Bailey)

Motion by Aldersperson Bailey, seconded by Aldersperson Akers to approve.

Under discussion, Aldersperson Bailey thanked the Director of Neighborhood Services and staff that worked hard to get the grant. He spoke about the Board of Public Works meeting, and that it would reduce our electricity bill substantially.

On a roll call vote, motion carried unanimously.

11. Discussion and decision to revise Police Clerk Typist job description (11/29/23 F&HR S. Saryan)

Motion by Aldersperson Saryan, seconded by Aldersperson Bailey to approve agenda items K11 - K18. On

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a roll call vote, motion carried unanimously.

12. Discussion and decision to revise Emergency Service Dispatcher job description (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
13. Discussion and decision to approve a renewal of a three (3) year contract with the Everbridge "Reverse 911" Notification System (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
14. Discussion and decision to transfer unused 2023 funds from the Community Development Authority account and the Plan Commission account to a project to be used in 2024 (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
15. Approval of schedules of disbursements in the amount of \$915,158.69. (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
16. Approval of mileage reimbursements in the amount of \$2,081.10. (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
17. Investments and reinvestments for October 2023. (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.
18. Accept October 2023 financial statements. (11/29/23 F&HR S. Saryan)
Approved under agenda item K11.

L. Items for future agenda
Liquor and vape stores

M. Adjourn
Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 8:24 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 12/11/2023

RESOLUTION NO. 3950

Special Use Permit for Massage by Deadra, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite L107, submitted by Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, LLC.
(Tax Key No. 609-9994-009)

WHEREAS, Deadra Santiago, d/b/a Massage by Deadra, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish Massage by Deadra, a proposed massage therapy business, to be located at 10901 W. Sunset Ln., Suite L107; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 5, 2023, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Deadra Santiago, d/b/a Massage by Deadra, resides at 7680 Russet St., Burlington, WI 53105.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Avery & Birch, LLC., PO Box 486, Mukwonago, WI 53149.
3. Massage by Deadra will occupy approximately 115 sq. ft. of the multi-tenant commercial building located at 10901 W. Sunset Ln., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 7988, being a part of the Southeast ½ of Section 19, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-9994-009

Said land being located at 10901 W. Sunset Ln.

4. The applicant is proposing to establish a massage therapy business within the existing salon suite commercial building.
5. The aforesaid premise is zoned PUD – Planned Unit Development District under the Zoning Ordinance of the City of Greenfield, which permits Offices of All Other Misc. Health Practitioners (massage therapists) as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the S. 108 St. corridor that is developed for commercial uses. Properties to the north and east are developed as commercial. Properties to the west are developed as residential. Properties to the south are developed as both commercial and residential.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Deadra Santiago, d/b/a Massage by Deadra and Delanie Ford, d/b/a Avery & Birch, LLC., to establish a massage therapy business, to be located at 10901 W. Sunset Ln., Suite L107, be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 10, 2023 and by the Common Council on December 5, 2023. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.

3. Hours of Operation. The allowable hours of operation for Massage by Deadra will be 8:00am – 8:00pm, daily.

4. Off-Street Parking. A total of 105 off-street parking stalls are required for the entire multi-tenant commercial building. The property provides 88 off-street parking stalls. The shortage was waived when Avery & Birch LLC appeared before Plan Commission and Common Council in November/December of 2021.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.

6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splay from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may

make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Deadra Santiago, d/b/a Massage by Deadra

Delanie Ford, d/b/a Avery & Birch LLC.

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3951

Special Use Permit for The Rest Nest, a proposed massage therapy business, to be located within Avery & Birch at 10901 W. Sunset Ln., Suite 206, submitted by Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC.
(Tax Key No. 609-9994-009)

WHEREAS, Jill Chaplock, d/b/a The Rest Nest, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish The Rest Nest, a proposed massage therapy business, to be located at 10901 W. Sunset Ln., Suite 206; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 5, 2023, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Jill Chaplock, d/b/a The Rest Nest, resides at 7408 Edgehill Road, Greendale, WI 53219.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Avery & Birch, LLC., PO Box 486, Mukwonago, WI 53149.
3. The Rest Nest will occupy approximately 166 sq. ft. of the multi-tenant commercial building located at 10901 W. Sunset Ln., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 7988, being a part of the Southeast ½ of Section 19, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-9994-009

Said land being located at 10901 W. Sunset Ln.

4. The applicant is proposing to establish a massage therapy business within the existing salon suite commercial building.
5. The aforesaid premise is zoned PUD – Planned Unit Development District under the Zoning Ordinance of the City of Greenfield, which permits Offices of All Other Misc. Health Practitioners (massage therapists) as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the S. 108 St. corridor that is developed for commercial uses. Properties to the north and east are developed as commercial. Properties to the west are developed as residential. Properties to the south are developed as both commercial and residential.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Jill Chaplock, d/b/a The Rest Nest and Delanie Ford, d/b/a Avery & Birch, LLC., to establish a massage therapy business, to be located at 10901 W. Sunset Ln., Suite 206, be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 10, 2023 and by the Common Council on December 5, 2023. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for The Rest Nest will be 8:00am – 8:00pm, daily.
4. Off-Street Parking. A total of 105 off-street parking stalls are required for the entire multi-tenant commercial building. The property provides 88 off-street parking stalls. The shortage was waived when Avery & Birch LLC appeared before Plan Commission and Common Council in November/December of 2021.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.

6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may

make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Jill Chaplock, d/b/a The Rest Nest

Delanie Ford, d/b/a Avery & Birch LLC.

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3952

Special Use Permit for VANEE Tattoo Studio, a proposed tattoo business to be located at 4633 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001).

WHEREAS, Vanessa Ruelas, d/b/a VANEE Tattoo Studio, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish VANEE Tattoo Studio, a proposed tattoo business within Beauty by LuLu Marie, an existing business located at 4633 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 5, 2023, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Vanessa Ruelas, d/b/a VANEE Tattoo Studio, resides at 2709 S. 102 St., West Allis, WI 53227.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Forest Park Real Estate, LLC, 2765 S. 27 St., Milwaukee, WI 53215.
3. VANEE Tattoo Studio will occupy approximately 145 sq. ft. of the 1,500 sq. ft. currently occupied by Beauty by LuLu Marie, within the multi-tenant commercial building located at 4633 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 2, 3, 4 and 5 of Block 1 of Valley View Heights, a recorded subdivision, plus the East 1/2 of a vacated alley adjacent on the West, all being a part of the Southeast 1/4 of Section 19, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-0033-001

Said land being located at 4633-4663 S. 108 St.

4. The applicant is proposing to establish a single-chair tattoo studio within Beauty by LuLu Marie, an existing tenant, within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits tattoo parlors as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the S. 108 St. commercial corridor. Properties to the north, south, and east are developed as commercial. Properties to the west are developed as residential.

7 The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Vanessa Ruelas, d/b/a VANEE Tattoo Studio to establish a tattoo business, to be located at 4633 S. 108 St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on November 14, 2023 and by the Common Council on December 5, 2023. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for VANEE Tattoo Studio shall be 11:00am – 10:00pm Tuesday through Saturday, 8:00am – 8:00pm Sundays, and closed on Mondays.
4. Off-Street Parking. A total of 3 off-street parking stalls are required for VANEE Tattoo Studio. The entire multi-tenant commercial building requires a total of 73 off-street parking spaces. The property will provide 69 off-street parking stalls. The Common Council may waive the shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances,

including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splay from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.

9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.

10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.

11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec.

21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Vanessa Ruelas, d/b/a VANEE Tattoo Studio

Salim Shelleh, d/b/a Forest Park Real Estate LLC

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3953

Special Use Permit for Tiny Tykes Puppies, LLC, a proposed pet store,
to be located at 2833 W. Layton Ave., submitted by
Darcy Turner, d/b/a Tiny Tykes Puppies, LLC. (Tax Key No. 622-9980-000)

WHEREAS, Darcy Turner, d/b/a Tiny Tykes Puppies, LLC., duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish Tiny Tykes Puppies, a proposed pet store, to be located at 2833 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 5, 2023, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Darcy Turner, d/b/a Tiny Tykes Puppies, LLC., has a business at 2661 S. Howell Ave., Milwaukee WI 53207.
2. The applicant has submitted an offer to purchase the mixed-use building currently owned by WI Wholesale Mortgage LLC., 2833 W. Layton Ave., Greenfield, WI 53221.
3. Tiny Tykes Puppies will occupy the entirety of the 2,400 sq. ft. of the commercial space within the mixed-use building located at 2833 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

The West 60 feet of the East 760 feet of the North 346.50 feet of the Northeast ¼ Section 25, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin, excepting therefrom the North 60 feet for public street purposes.

Tax Key No. 622-9980-000

Said land being located at 2833 W. Layton Ave.

4. The applicant is proposing to establish a pet store utilizing the main floor and basement of the existing commercial building and live in the residential/upper portion of the mixed-use building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Pet Stores and Shops as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

6. The subject property is part of an area along the W. Layton Ave. corridor that is developed for commercial uses. Properties to the north and east are developed as residential. Properties to the west and south are developed as commercial.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Darcy Turner, d/b/a Tiny Tykes Puppies, LLC., to establish a pet store specializing in the sale of small-breed puppies, to be located at 2833 W. Layton Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on October 10, 2023 and by the Common Council on December 5, 2023. The residential portion of the mixed-use building shall be owner-occupied at all times. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.

3. Hours of Operation. The allowable hours of operation for Tiny Tykes Puppies will be 9:00am – 8:00pm, daily.

4. Off-Street Parking. A total of 12 off-street parking stalls are required for Tiny Tykes Puppies. The property will provide seven (7) off-street parking stalls. The Common Council may waive the shortage.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.

6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon

a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Darcy Turner, d/b/a Tiny Tykes Puppies, LLC.

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3954

A RESOLUTION DISALLOWING THE CLAIM OF RACQUEL OLMOS RELATING TO
ALLEGED MOTOR VEHICLE DAMAGE

WHEREAS, Racquel Olmos submitted a claim to the City on November 1, 2023; and,

WHEREAS, the claimant alleged that, on or about September 13, 2023, the claimant's vehicle was involved in a motor vehicle accident with a City vehicle; and,

WHEREAS, the City Attorney has reviewed the facts and circumstances relating to the claim and recommends that the Common Council disallow the claim.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Racquel Olmos, filed with the City on November 1, 2023, and relating to an alleged loss occurring on September 13, 2023, is hereby disallowed.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward notice of this disallowance to the claimant along with notice that legal action on this claim must be commenced within six (6) months of the date of notice of disallowance or be barred.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

This is to certify that the foregoing Resolution was adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 5th day of December, 2023.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3955

A RESOLUTION ALLOWING THE CLAIM OF SARA J. KITZROW RELATING TO
VEHICLE DAMAGE

WHEREAS, SARA J. KITZROW submitted a claim with the City on October 23, 2023; and,

WHEREAS, the claimant alleged that, on or about September 24, 2023, the claimant's parked vehicle at the City Police Department's employee parking lot was damaged by a gate owned by the City of Greenfield; and,

WHEREAS, the City Attorney has reviewed the facts and circumstances relating to the claim and recommends that, without admitting any negligence, the Common Council allow the claim, as set forth below; and,

WHEREAS, Wis. Stat. § 893.80 provides for the process by which the Common Council shall consider and handle claims made against the Council, the City and its officers, agents and employees; and,

WHEREAS, after considering the facts and circumstances of the claim, the Common Council desires to pay the claimed amount of the loss, as set forth below.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Sara J. Kitzrow, filed with the City on October 23, 2023, and relating to alleged loss occurring on September 24, 2023, is hereby allowed in an amount not to exceed **\$806.19**.

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the claim to the claimant upon receipt of a signed release of claims from the claimant.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

This is to certify that the foregoing Resolution was adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 5th day of December, 2023.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3956

A RESOLUTION REQUESTING THAT ALL AREAS WITHIN THE CITY OF GREENFIELD
RECEIVE A GREENFIELD POSTAL ADDRESS DESIGNATION

WHEREAS, the United States Post Office has divided the City of Greenfield into seven different ZIP Codes; and,

WHEREAS, the mailing addresses currently assigned to many Greenfield residences and businesses list a city other than Greenfield (i.e., Milwaukee, Hales Corners, or Greendale), inaccurately giving the impression that the property is actually located in the other city; and,

WHEREAS, in the past, this situation has often been the source of confusion and unnecessary complication for Greenfield residents and businesses, but recently the State of Wisconsin adopted a new law allowing the City of Milwaukee to collect a City of Milwaukee-specific sales tax, and the Milwaukee City Council has adopted a 2% City-specific sales tax; and,

WHEREAS, businesses, particularly online businesses, are usually required to collect sales taxes based on the taxes to which the purchaser's home or delivery location are subject; and,

WHEREAS, as a result of this mailing address confusion, many Greenfield residents and businesses could end up paying an additional 2% sales tax that, by law, is only applicable to City of Milwaukee residents and businesses, simply because the business selling to the Greenfield resident may conclude from the mailing/delivery address that the location is in the City of Milwaukee and therefore subject to the additional 2% tax.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that all necessary local, state, and/or federal assistance be obtained to ensure that all residents' and businesses' mailing addresses accurately reflect their location in Greenfield; and,

BE IT FURTHER RESOLVED, the collection of any City of Milwaukee-specific sales tax is improper and illegal and should it occur, that sales tax collection must immediately be halted; and,

FURTHERMORE, BE IT RESOLVED, any burden that results in the collection of improperly and illegally collected Sales taxes, we believe, must fall on the City of Milwaukee to identify those taxes and to refund them.

Approved:

Michael J. Neitzke, Mayor

This is to certify that the foregoing Resolution was adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 5th day of December, 2023.

Jennifer Goergen, City Clerk

RESOLUTION NO. 3957

RESOLUTION AMENDING RESOLUTION 3317 OF THE STORMWATER UTILITY RATES

WHEREAS, on December 16, 2009, the City of Greenfield Common Council adopted Resolution No. 3317 establishing Stormwater Utility rates in the form of three charges, including the Base Charge (BC), the Equivalency Charge (EC), and the Special Charge (SC);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Greenfield that Resolution No. 3317 is hereby amended by revising the Equivalency Charge (EC) to equal \$20.92 per ERU, wherever applicable.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk